

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JONATHAN HENRY HILL,

Defendant.

Case No. 1:02-CR-106

Hon. Richard Alan Enslen

ORDER

Defendant Jonathan Henry Hill has moved *pro se* for an enlargement of time as to his one-year statutory limitation period under 28 U.S.C. § 2255. The basis for the request is Defendant's temporary incarceration in a facility allegedly without a federal law library. Defendant has calculated his due date as July 13, 2005¹ and seeks a one-year extension of time.

Upon review of such motion, the Court determines that the relief sought should be denied. First of all, the extension sought is unduly lengthy and inappropriate in light of the one-year limitation period directed by Congress. Second, this Court is aware of no authority which authorizes it to extend the 2255 limitation period under either Federal Rule of Civil Procedure 6 or Federal Rule of Criminal Procedure 45. It is true that the Court may grant an equitable tolling extension after a delayed motion is filed. *See Souter v. Jones*, 395 F.3d 577, 588 (6th Cir. 2005). However, even such extensions are sparingly granted and depend upon the precise circumstances which preceded the delayed filing. The Court also takes notice, for Defendant's benefit, that a motion which timely

¹The Court has not independently calculated the due date and at present has no opinion as to whether this calculation is valid.

asserts certain claims may be later amended as to the claims asserted under Federal Rule of Civil Procedure 15. *See Mayle v. Felix*, 545 U.S. ___, 2005 WL 1469153 (June 23, 2005).

THEREFORE, IT IS HEREBY ORDERED that Defendant Jonathan Henry Hill's Motion for Enlargement (Dkt. No. 37) is **DENIED**.

DATED in Kalamazoo, MI:
July 18, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
UNITED STATES DISTRICT JUDGE